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EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/21/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,023

Applicant(s)

MAHADEVAIAH, RAJ

Examiner

Dr. Ramnandan Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 19 February 2003 have been fully considered but they are not persuasive.

(1) Applicant's argument—"The **telephone selection circuit** is a part of the interceptor 110 which is shown in Fig. 1" on page 1, last paragraph.

Examiner's response—The examiner maintains that each and every component claimed in the interceptor must be shown in the drawing.

(2) Applicant's argument—"The **video display** may be a mechanism used to indicate a call-in-progress to a user (page 6, line 18), and the function of indicating call are being intercepted is performed by the ring detector and activator circuit (page 7, lines 23-24). As indicated above, the ring detector and activator circuit 330 is shown in Fig. 3A" on page 2, third paragraph

Examiner's response---Since the **video display circuit** has been claimed in claim 6, and the ring detector and activator circuit 330 as shown in Fig. 3A does **not** show the **video display circuit**; the rejection is maintained.

(3) Applicant's argument—"The **telephone selection circuit** is commonly used by both local telephone systems and local exchange carriers (LECs)" on page 3.

Examiner's response—The applicant's response **contradicts** the statement made by the applicant above that " The **telephone selection circuit** is a part of the interceptor 110 which is shown in Fig. 1". Therefore, the applicant's statement is contradictory and dubious. Hence the rejection to claim 2 made in the paragraph 3 of the previous Office action stands.

(4) Applicant's argument—"Borg et al does not disclose a counter or a delay circuit. It may be true that a data processor from Borg et al is capable of being programmed to accomplish different features. However, there is no suggestion for the data processor to be programmed to provide a delay feature" on page 4, sixth paragraph.

Examiner's response---The examiner disagreed. The applicant is respectfully directed to the following:

Borg et al states, "The data processor may simply delay acting **until a predetermined period of time has elapsed**, the delay identifying the service request as such." [col. 6, lines 39-41; col. Col. 11, lines 13-24; col. 2, lines 33-40; col. 8, lines 61-67]. In response to applicant's argument that there is no suggestion , the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found

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either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

(5) Applicant's argument—"However, Applicant is unable to find any mention in D'Agosto et al of determining a length of delay as recited by claim 12" on page 5, third paragraph.

Examiner's response---Claim 12 recites a limitation "determining a length of delay during which ringing of the telephone is to be inhibited, the length being based on a selection of keys depressed on a telephone keypad" on page 11.

Programming telephone keys by a user is well-known in the art. D'Agosto et al teaches a telephone terminal comprising a keypad 24 with user programmable keys 30, 32, and 34, which are assigned with desired telephone numbers. These keys may be inhibited, thus acting as a "telephone lock", **delayed ringing**, [col. 9, lines 30-67] or to **effect a delay** in generating an audible ringing tone, and so on [col. 20, lines 33-56; col. 31, lines 54-60; col. 45, lines 7-31]. This is nevertheless a teaching to one of ordinary skill in the art to do the same thing with the Borg's system.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention **specified in the claims**. Therefore, the telephone selection circuit, and a controller must be shown or the feature(s) canceled from claim 2. Further, claim 6 recites a video display circuit. This video display circuit must be shown.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In Claim 2, “ **telephone selection circuit**” is not enabled, as the instant disclosure does not teach this circuit. Further, the functional architecture of the applicant’s apparatus 110 for intercepting telephone calls does not disclose a **controller** as claimed in claim 2 for selecting some of the plurality of telephones.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borg et al [US 4,578,540].

Regarding claims 1-2 and 9, Borg et al teaches a device and method for telephone call intercepting. The device, a telephone call interceptor (or telecommunications system) [col. 1, lines 62-67], as shown in Fig. 1, comprising a **ring detector** (140), a telephone signal receiver (115), a dial tone detector (160), a ring generator (119), a data processor (110), a **user-activated** data input device (117), a data output device (113), memory (111), and a clock 112, wherein data processor (110) is a **user-programmable computer**; and data entry device (117) facilitates user entry of data, such as a **delay request** by the user, so that **the data processor may simply delay acting until a**

predetermined period of time has elapsed [col. 6, lines 4-14; col. 6, lines 38-56; col. 6, lines 60-68; col. 7, lines 1-8; col. 8, lines 61-67; Abstract]. One feature of the telecommunications system is that a pre-selected number of rings may be counted before the system answers an incoming call [col. 8, lines 61-67; col. 9, lines 1-2]. However, Borg et al does not teach expressly some feature of the device having a delay **programmed** to allow the telephone to ring if more than the selected amount of time has passed since the user input was last inserted. Since the data processor (110) is a user-programmable computer, it would have been obvious to one ordinary skill in the art at the time the invention was made to program this feature using the data entry device 117 [col. 11, lines 18-24; col. 2, lines 30-40; col. 3, lines 1-45], and make the telephone call interceptor more user-friendly and useful.

Regarding claim 3, Borg et al teaches a telephone call interceptor having a message playback feature with a speech processor (or a voice message synthesizer) 150. Responsive to data processor 110, speech processor 150 constructs and transmits appropriate message in either direction [col. 5, lines 25-35]. In this context, a pre-selected number of rings may be counted before the interceptor system answers an incoming call using a standard message [col. 8, lines 61-68; col. 9, lines 1-2].

Regarding claims 4-8, Borg et al teaches a telephone call interceptor having a data output device 113 attached to data processor 110 [Fig. 1]. This device also operates in conjunction with speech processor 150. In practice, data output devices 113 may be a loudspeaker, visual or other output devices. These may include light emitting diode(LED) display, or fluorescent display. In addition, the data processor 110, **a locally programmable computer**, may operate in conjunction with a customer provided **television set** or an inexpensive **computer monitor** to enhance video displays and message generating functions [col. 6, lines 42-59].

Regarding claim 10, Borg et al teaches sensing closing of contacts CM, RPM1 and RPM2 local to the telephone [Fig. 1; col. 5, lines 36-45; col. 8, lines 56-60].

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borg et al as applied to claim 1 above, and further, in view of Borg et al or Hayes et al [4,582,957].

Regarding claims 4-5, a **visual incoming call indicator** and an **indicator light** are inherent features of a telephone call interceptor.

Borg et al teaches these features as shown above.

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Alternatively, Hayes et al also teaches a call interceptor having a message waiting unit providing a visual indication for an incoming call and an indicator light [col. 2, lines 12-24; col. 2, lines 45-52].

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borg et al as applied to claims 1 and 4 above, and further, in view of Borg et al or Shtivelman et al [US 6,078,481] or Gordon et al [US 5,459,584].

Regarding claims 6-8, Borg et al teaches these features as shown above.

Alternatively, Shtivelman et al teaches a client's computer station that is adapted to deal with incoming call in a variety of ways. The client's software may display a **telephone icon**, for example, on the **video display** of the computer, and the alert signal may result in an "audio" ringing [col. 5, lines 30-49].

Further, alternatively, Gordon et al teaches a relatively **low cost adapter** which connects the **user's telephone** to an available **television set**. Fig. 9 shows a processor 195 for controlling the device, a keypad 196 for the input of user commands, a **video display generator** 199 and a RF modulator suitable for supplying a display signal to the ordinary **television set 201**; wherein the primary function of the processor is to **intercept incoming calls** [col. 16, lines 41-53; col. 19, lines 5-8]. Further, a **text message may be generated** by a supervisor for the user of the telephone using the keypad 196 relating to a **telephone call** destined for the user of the telephone, wherein this text message will be transmitted via digital communication link.

9. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borg et al as applied to claim 9 above, and further, in view of D'Agosto, III et al [US 4,860,339].

Regarding claims 11-12, Borg et al does not teach expressly sensing of a code entered on a keypad of the telephone.

D'Agosto, III et al teaches a telephone terminal comprising a keypad 24 with user programmable keys 30 and 32 [Fig. 1; col. 6, lines 42-68; col. 7, lines 19-38; col. 8, lines 47-66; col. 9, lines 30-68] that sense different codes [col. 20., lines 16-32].

Borg et al and D'Agosto, III et al are analogous art because they are from a similar problem solving area, viz. , a telephone call interceptor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the telephone keypad of D'Agosto, III et al with Borg et al to provide a user to enter desired features through programming of the soft keys of the telephone keypad.

Regarding claims 13-14, the combination of Borg et al and D'Agosto, III et al teaches a telephone interceptor that can be integrated into the telephone operating with a telephone exchange carrier [D'Agosto, III et al; Fig. 9].

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ramnandan Singh whose telephone number is (703)308-6270. The examiner can normally be reached on M-F(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester Isen can be reached on (703)-305-4386. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

Dr. Ramnandan Singh
Examiner
Art Unit 2644



May 9, 2003



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